

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DORIAN L. GUTIERREZ,

No. 2:20-cv-1847 AC P

Plaintiff,

ORDER

v.

RALPH DIAZ, et al.,

Defendants.

Plaintiff is a state prisoner incarcerated in Ironwood State Prison in Blythe, California,

under the authority of the California Department of Corrections and Rehabilitation (CDCR).

Plaintiff proceeds pro se with a civil rights complaint filed pursuant to 42 U.S.C. § 1983, and an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1331(b).

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1 While plaintiff's complaint names numerous CDCR statewide officials, the incidents
2 challenged herein arose at Ironwood State Prison where the principal defendants are employed.
3 Ironwood State Prison is located in Riverside County, which is in the Central District of
4 California. Therefore, plaintiff's action should have been filed in the United States District Court
5 for the Central District of California. In the interest of justice, a federal court may transfer a
6 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
7 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

8 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
9 States District Court for the Central District of California.

10 DATED: September 17, 2020

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE